WP(C) 71/2007

BEFORE

THE HON'BLE MR. JUSTICE B.K.SHARMA

Heard Mr. J. Patowary, learned counsel for the petitioner as well as Ms P. Barman, learned counsel representing the Respondent No.3. I have also heard the learned Standing Counsel, Education Department. Mr. A.K. Goswami, learned Sr. counsel assisted by Mr. A.K. Sarma, learned counsel has appeared on behalf of the Respondent No.6.

Perused the averments made in the writ application as well as in the miscellaneous application being Misc. Case No.1633/2007 and the affidavit-in-opposition filed by the Respondent No.3. The matter relates to the selection and appointment of Lecturer in Chemistry in the college called B. Borooah College, Guwahati. According to the petitioner, the selection for the post of Lecturer in the said department has not been conducted as per the laid down norms. In this connection, reliance has been placed on Annexure-7 communication dated 20.2.2003 issued by the Government of Assam in the Education (Higher) Department laying down the guidelines for selection of candidates. One of the criteria for conducting the selection is that two subject experts, not connected with the college, would be nominated by the Chairperson of the Governing Body out of a panel of names approved by the Vice-Chancellor of the jurisdictional university. While it is the case of the petitioner that the two experts who participated in the selection process are not qualified to participate in the selection, it is the case of the officials and the private respondents that the two experts who participated in the selection process are qualified and there was nothing wrong in their participation in the selection process.

Out of the two experts, in respect of which the petitioner has made a grievance, one is a Guest Lecturer of the department in the college. He is a retired professor of the Gauhati University. As per the Annexure-7 guidelines dated 20.2.2003, two subject experts to be nominated, shall not be connected with the college. Shri P.K. Chetia, who was nominated as one of the experts has retired as Professor from the Gauhati University. Occasionally, his services are borrowed by the college as a Guest Lecturer. Thus, he cannot be said to be connected with the college in the sense as it is meant in the guidelines.

As regards the other expert, it is the claim of the petitioner that he being M.Sc. in Physics, could not have participated as subject expert. From the records, it is seen that the said expert is in fact, a professor of Chemistry in the Gauhati University. In this connection, the learned counsel representing the private respondents has produced the copy of the letter dated 13.9.2006 addressed to the Principal of the college by the Academic Registrar of the Gauhati University. By the said letter, approval of the Vice-Chancellor of the Gauhati University in respect of the said two nominated Professors and two nominated Readers as subject experts has been conveyed. From the communication, it is apparent that the experts namely, Dr. A.K. Mishra is the professor in the department of Chemistry of the Gauhati University. Thus, he being the professor of Chemistry in the university is a subject expert. If that be so, there was nothing wrong in nominating him as one of the subject experts.

Apart from the above, the petitioner is also not eligible to offer his candidature in terms of the advertisement. In paragraph 3 of the writ petition, the petitioner while narrating his academic qualification, has stated that he is at the verge of completing his PhD degree. On the other hand, as per the advertisement, a candidate will have to have NET/SLET qualification. The relaxation in this regard is permissible only if the candidate is PhD degree holder. When the petitioner is not even eligible to apply for the post of Lecturer, he cannot question the legality and validity of the selection process. Be that as it may, when it has been found that the two experts, who participated in the selection process, are qualified as per the laid down norms, the participation of the said two experts in the selection process cannot be interferred with. No other ground has been urged by the petitioner towards challenging the selection process.

In view of the above, I do not find any merit in the writ petition and accordingly, it is dismissed.